

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 9, 2002**

AGENDA ITEM NO.: **12**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: **Vacating a portion of public right-of-way known as Newland Street**

RECOMMENDATION:

Adopt an ordinance vacating a portion of public right-of-way known as Newland Street located between Newberne and Edgar Streets.

SUMMARY:

Mr. James C. Adams, Jr., is petitioning the City to vacate a portion of public right-of-way known as Newland Street located between Newberne and Edgar Streets. Although the Technical Review Committee recommends that the City retain thirty (30) feet fronting on Edgar Street for a possible future turnaround for emergency vehicles, the Physical Development Committee recommends vacating of the entire portion of the public right-of-way.

At Council's meeting of March 26, two residents of Newberne Street spoke in opposition to Mr. Adams's petition, citing their use of this portion of Newland Street as access to the rear of their properties. City staff was directed to review the objection raised and to seek a negotiated resolution, if possible, among the property owners.

Numan Franklin, Public Works' Neighborhood Coordinator, met with the opposing residents, Mr. Adams, and other adjoining property owners. As a result of these efforts, a satisfactory agreement was reached whereby Mr. Adams agreed to create, and has subsequently presented, a deed which retains the adjoining properties owners' access to the rear of their properties.

PRIOR ACTION(S):

January 22, 2002: Technical Review Committee Review

March 5, 2002: Physical Development Committee Review

March 26, 2002: Public Hearing

BUDGET IMPACT:

None

CONTACT(S):

Pat Kost 847-1443/228

James C. Adams, Jr. 525-3863

Numan Franklin 847-1823/267

ATTACHMENT(S):

- Ordinance
- Map
- Technical Review Committee Report

REVIEWED BY:

AN ORDINANCE VACATING A PORTION OF PUBLIC RIGHT-OF-WAY KNOWN AS NEWLAND STREET
LOCATED BETWEEN NEWBERNE AND EDGAR STREETS

WHEREAS the City of Lynchburg on its own motion is proposing to vacate a portion of public right-of-way known as Newland Street located between Newberne and Edgar Streets; and

WHEREAS all adjacent property owners are in agreement to vacating the portion of public right-of-way known as Newland Street located between Newberne and Edgar Streets; and

WHEREAS City Council finds that no public inconvenience will result from vacating the portion of public right-of-way known as Newland Street located Newberne and Edgar Streets;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described portion of right-of-way known as Newland Street located between Newberne and Edgar Streets, be, and the same hereby is discontinued and vacated, namely:

That portion of public right-of-way known as Newland Street located between Newberne and Edgar Streets.

Provided, however, that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate. relocate, repair, replace and maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

Be in further provided that the vacation of Newland Street is contingent upon James C. Adams, Jr. filing a properly executed easement to be record among the land records in the Office of the Circuit Court granting the adjoining property owners of the lots at 515 Newberne Street and 521 Newberne Street access to the rear of their properties. The failure of James C. Adams, Jr. to comply with this condition shall render the vacation of Newland Street null and void.

BE IT FURTHER ORDAINED That the Clerk of Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified: _____
Clerk of Council



The City of Lynchburg, Virginia

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PLANNING DIVISION

January 23, 2002

TO: Patricia W. Kost, Clerk of Council

FROM: Annette M. Chenault, Planner II *Amc*

RE: Street Vacation – Newland Street (paper street) between Newberne Street and Edgar Street
Administrative Review: January 22, 2002

On January 22, 2002 the Technical Review Committee (TRC) reviewed a Street Vacation for Newland Street (paper street) between Newberne Street and Edgar Street. Following are the comments:

1. The subject project proposes the vacation of a portion of Newland Street located between Newberne and Edgar streets. Mr. James C. Adams, Jr., has submitted an application to the City Manager's Office to vacate this right-of-way, and the matter is scheduled to be heard by City Council on February 12.
2. All lots on the portion of Newland Street to be vacated have right-of-way frontage on other streets. Therefore, we have no concerns with the proposed public right-of-way vacation.
3. The only concern is at the existing end of Edgar Street where Newland Street (on paper) intersects. It does not seem likely that Edgar Street will be extended to make it a through street anytime in the foreseeable future. The city's only fire hydrant for protection of the houses on Edgar Street is next to the Newland/Edgar Streets intersection. Emergency vehicles will need to be able to quickly turn around at this location. For this purpose, I do NOT recommend vacating the last 30 feet of Newland adjacent to Edgar.
4. The remainder of Newland Street extending over to Newberne Street could be vacated without causing any fire protection concern.

Attachment

pc: Technical Review Committee
James C. Adams, Jr.

